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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/944,195

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Kazuhiro Asada

110540

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03/11/2004

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EXAMINER

WOOD, KEVIN S

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,195

Applicant(s)

ASADA, KAZUHIRO

Examiner

Kevin S Wood

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Response to Amendment

1. This office action is responsive to the Applicant's Amendment filed 12 December 2003. Claim 1 has been amended. No claims have been added or canceled in this Amendment. Claims 1-9 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. The drawings are objected to because some of the Figure labels are hand drawn. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,424,779 to Ellison et al.

Referring to claims 1 and 2, Ellison et al. discloses all the limitations of the claimed invention. Ellison et al. discloses an optical fiber guide device (201) including: a guide body (101) operable to guide and hold an optical fiber cord received and bent along an arc therein, said guide body including a guide receiving part having a base (101a) bordered substantially perpendicularly by a pair of peripheral walls (101b, 101c) for flanking the optical fiber cord to form a trough having an opening opposite the base in a substantially U-shape cross-section, the base having a planform following the arc, first and second members of the pair of peripheral walls being respectively convex and concave to the trough, the trough able to receive the optical fiber cord through the opening, the pair of peripheral walls causing the optical fiber cord to bend in the trough along the arc; and a mounting part (230) provided on an outer face of the guide body and adapted to be fitted to an object of installation in which the optical fiber cord is to be installed, wherein the mounting part protrudes outwardly from the base towards the object of installation. See the Fig. 1 through Fig. 12, along with their respective portions of the specification.

Referring to claim 9, Ellison et al. discloses all the limitations of the claimed invention. Ellison et al. discloses the mounting part (40) formed by locking pieces. See the Fig. 1 through Fig. 12, along with their respective portions of the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,424,779 to Ellison et al.

Referring to claim 5, Ellison et al. discloses all the limitations of the claimed invention except, Ellison et al. does not appear to disclose that the guide body is provide with a guide groove or guide channel which can hold a plurality of fibers in a posture where each of the fibers can be bent at the same bending radius. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a channel that allowed a plurality of fibers to be held at the same bending radius, since this modification would have involved a mere change in size of the channel. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

8. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,424,779 to Ellison et al. in view of U.S. Patent No. 6,049,040 to Biles et al.

Referring to claims 3 and 6, Ellison et al. discloses all the limitations of the claimed invention, except Ellison et al. does not appear to specifically disclose the an attachable lid to cover the opening. Biles et al. discloses a guide body including a lid part (P) attachable to the to the guide receiving part (B) so as to cover the opening, in order to secure the optical fibers within the trough portion of the guide body. Since Ellison et al. and Biles et al. are both from the same field of endeavor, the teachings of Biles et al. would have been recognized within the pertinent art of Ellison et al. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the lid disclosed by Biles et al. on the guide body discloses by Ellison et al., in order to secure the optical fibers within the trough and to prevent the unintentional removal of the optical fibers from the optical fiber guide. See all the figures of the Biles et al reference, along with their respective portion of the specification.

Allowable Subject Matter

9. Claims 4, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claim 4, the prior art does not disclose the combination of all the limitations as claimed. Specifically, the prior art does not disclose stoppers which

extend in a direction perpendicular to an axial direction of the optical fiber cored so as to clamp the optical fiber cord the optical fiber cord which is received and arranged in the guide receiving part from both sides, and bite a coating of the optical fiber cord to position and hold the fiber cord.

Referring to claim 7, the prior art does not disclose the combination of all the limitations as claimed. Specifically, the prior art does not disclose that at least one projection part includes a locking hole and at least one recess part includes a locking projection that fits into the locking hole to hold the lid part to the receiving part.

Referring to claim 8, the prior art does not disclose the combination of all the limitations as claimed. Specifically, the prior art does not disclose the mounting part includes: a fitting post extending at a base of the mounting part from the guide body to a distal end for insertion into a mounting hole of an installation; a first pair of locking pieces at the base for impinging against a first surface of the installation; and a second pair of locking pieces at the distal end for impinging against a second surface of the installation after passing through the mounting hole.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S Wood whose telephone number is (571) 272-2364. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER